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April 8, 2008

**VIA EMAIL
& UPS PRIORITY MAIL**

Matthew Lombardo
80 Dunham Street
Wethersfield, CT 06109

**Re: Actors Equity Association and Matthew Lombardo, Individually,
And on Behalf of The Lombardo Organization d/b/a Tea At Five,
Case No. 08 CV 02843 (LAK)**

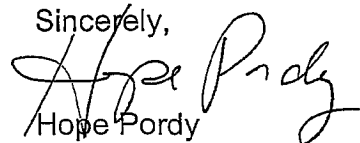
Dear Mr. Lombardo:

Enclosed please find a copy of an "Order re Scheduling and Initial Pretrial Conference" issued by United States District Judge Lewis A. Kaplan who is assigned to hear the above-referenced case. Please review the enclosed carefully as the Court has directed the parties to take certain action in a prescribed time frame.

If you have retained counsel to assist you in connection with this matter, please advise me immediately. Otherwise, I will contact you shortly to discuss the items listed in the "Consent Scheduling Order." It may also be helpful to review Judge Kaplan's Individual Rules, which I emailed and mailed to you on March 21, 2008.

Thank you.

Sincerely,


Hope Pordy

Enclosures

cc (via facsimile):
Kathryn V. Lamkey, Central Regional Director
Leslie Ben-Zvi, Esq.

received
4/3/08

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/1/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
Actors Equity Association,

Plaintiff(s)

08-cv-02843 (LAK)

V.

Matthew Lombardo,

Defendant(s).
----- X

ORDER RE SCHEDULING AND
INITIAL PRETRIAL CONFERENCE


KAPLAN, District Judge.

This action having been assigned to me for all purposes, it is hereby,
ORDERED as follows:

1. Counsel receiving this order shall promptly mail copies hereof to all other counsel of record or, in the case of parties for which no appearance has been made, to such parties.
2. Counsel for **all** parties are directed to confer regarding an agreed scheduling order. If counsel are able to agree on a schedule **and the agreed schedule calls for filing of the pretrial order not more than six (6) months from the date of this order**, counsel shall sign and email a PDF of the proposed schedule to the Orders and Judgment Clerk* within thirty (30) days from the date hereof by using the consent scheduling order form annexed for the Court's consideration. If such a consent order is not filed within the time provided, a conference will be held on **5/09/2008** in courtroom 12 D, 500 Pearl Street, New York, New York at **10:00am**.
3. Any party desiring a conference with the Court for purposes of discussing settlement, narrowing of issues, or other pertinent pretrial matters may request a conference by letter.
4. Counsel should be aware that this case has been designated for

Electronic Case Filing (ECF). It is the responsibility of counsel to become familiar with and follow ECF procedures. Information regarding the ECF system can be found on the Court's website at www.nysd.uscourts.gov.

Dated: April 1, 2008



Lewis A. Kaplan
United States District Judge

* Orders_and_Judgments@nysd.uscourts.gov

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
Actors Equity Association,

Plaintiff(s)

08-cv-02843 (LAK)

V.

Matthew Lombardo,

Defendant(s).
----- X

Consent Scheduling Order

Upon consent of the parties, it is hereby
ORDERED as follows:

1. No additional parties may be joined after _____.
2. No amendments to the pleadings will be permitted after _____.
3. The parties shall make required Rule 26(a)(2) disclosures with respect to:
 - (a) expert witnesses on or before _____;
 - (b) rebuttal expert witnesses on or before _____.
4. All discovery, including any depositions of experts, shall be completed on or before _____.
5. A joint pretrial order in the form prescribed in Judge Kaplan's individual rules shall be filed on or before _____.
6. No motion for summary judgment shall be served after the deadline fixed for submission of the pretrial order. The filing of a motion for summary judgment does not relieve the parties of the obligation to file the pretrial order on time.
7. If any party claims a right to trial by jury, proposed voir dire questions and jury instructions shall be filed with the joint pretrial order.
8. Each party or group of parties aligned in interest shall submit not less than ten (10) days prior to trial (a) a trial brief setting forth a summary of its contentions and dealing with any legal and evidentiary problems anticipated at trial, and (b) any motions in limine.
9. This scheduling order may be altered or amended only on a showing of good cause not foreseeable at the date hereof. Counsel should not assume that extensions will be granted as a matter of routine.

Dated:

Lewis A. Kaplan
United States District Judge

CONSENTED TO: [signatures of all counsel]

Hope Pordy

From: mmlombardo@aol.com
Sent: Wednesday, April 09, 2008 8:49 AM
To: Hope Pordy
Subject: Re: AEA v. Lombardo - Case No. 08 CV 02843 (LAK)

Thanks, Hope.

-----Original Message-----

From: Hope Pordy <hpordy@SpivakLipton.com>
To: mmlombardo@aol.com
Sent: Tue, 8 Apr 2008 6:02 pm
Subject: AEA v. Lombardo - Case No. 08 CV 02843 (LAK)

Matthew,

Please see attached correspondence enclosing correspondence sent by the Court.

We have not yet had a chance to speak with Stephanie about the matter we discussed yesterday, but we will be in touch as soon as we have a response.

Thank you.
Hope

Hope Pordy
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Hope Pordy

From: postmaster@SpivakLipton.com
Sent: Tuesday, April 08, 2008 6:18 PM
To: Hope Pordy
Subject: Delivery Status Notification (Relay)
Attachments: ATT1758656.txt; AEA v. Lombardo - Case No. 08 CV 02843 (LAK)

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

mmnlombardo@aol.com